

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

Akeem Henderson, et al.
Plaintiffs;

Case No. 5:19-CV-00163

Judge Elizabeth E. Foote

Magistrate Judge Mark L. Hornsby

v.

Willis-Knighton Medical Center
d/b/a Willis-Knighton South Hospital
Defendant.

MOTION IN LIMINE ON BEHALF OF WILLIS-KNIGHTON

NOW INTO COURT, through undersigned counsel, comes Willis-Knighton Medical Center d/b/a Willis-Knighton South (“Willis-Knighton”) who respectfully moves this Honorable Court to issue an Order preventing Plaintiffs from introducing the following at trial: (1) any evidence, testimony, argument, or suggestion that any Willis-Knighton health care provider, nurse, staff, or other employee sexually assaulted A.H., and/or that the suspected sexual assault was a “cover up” for the alleged EMTALA violation, or the suggestion that a balloon catheter was used to cause the perception of swelling to “cover up” the alleged EMTALA violation; (2) any evidence or reference to any alleged oxygen protocol in existence on February 10, 2018 for inpatients at Willis-Knighton South, and any evidence of A.H. oxygen saturation levels from prior admissions to Willis-Knighton facilities; (3) any evidence, testimony, argument, or suggestion that the Willis-Knighton medical records pertaining to A.H. were inappropriately “altered;” (4) any evidence, testimony, or argument that the screening received by A.H. was not appropriate under EMTALA; and (5) any evidence, testimony, argument, or reference to medical malpractice at any time.

Any purported probative value of the evidence at issue is strongly outweighed by the danger of misleading the jury, confusion of the issues, and would be unfairly prejudicial to the Defendant. Any evidence of an oxygen protocol that was not in use by the Willis-Knighton South Emergency Department on February 10, 2018, as well as A.H.'s oxygen saturation levels taken on prior inpatient admissions, are wholly irrelevant and will mislead or confuse the trier of fact.

WHEREFORE, Willis-Knighton prays this Motion be granted, and that Plaintiffs be prohibited from introducing at trial: (1) any evidence, testimony, argument, or suggestion that any Willis-Knighton health care provider, nurse, staff, or other employee sexually assaulted A.H., and/or that the suspected sexual assault was a "cover up" for the alleged EMTALA violation, or the suggestion that a balloon catheter was used to cause the perception of swelling to "cover up" the alleged EMTALA violation; (2) any evidence or reference to any alleged oxygen protocol in existence on February 10, 2018 for inpatients at Willis-Knighton South, and any evidence of A.H. oxygen saturation levels from prior admissions to Willis-Knighton facilities; (3) any evidence, testimony, argument, or suggestion that the Willis-Knighton medical records pertaining to A.H. were inappropriately "altered;" (4) any evidence, testimony, or argument that the screening received by A.H. was not appropriate under EMTALA; and (5) any evidence, testimony, argument, or reference to medical malpractice at any time.

RESPECTFULLY SUBMITTED,

/s/ Lamar P. Pugh

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CERTIFICATE OF SERVICE

The foregoing has been provided to opposing counsel electronically via the CM/ECF/PACER system, on this 25th day of August, 2020.

/s/ Shelby L. Giddings

Shelby L. Giddings